

Arizona Estate Planning for Pets... Easy as 1-2-3

For many people, pets are part of the family. And in some cases, a pet can also be a valuable asset. Although Arizona law like many others states, still regards a pet as personal property, it does not mean that one cannot plan for the loving care of a pet during a troubled time in life.

1 - How can I plan to keep my pet should I become divorced?

As a person gets ready for marriage, sometimes the thought of an eventual divorce can lead the couple into an attorney's office to obtain a pre-nuptial agreement. But, it can happen that the most important asset, a pet, is left out of the agreement. Consider then obtaining either a pre-nuptial agreement that addresses your pet, or a stand alone Pet-Nup. A Pet-Nup is an agreement that addresses who will receive the pet upon divorce, visitation, custody over making health decisions, euthanization issues, and other very important concerns. Sure this is a simple step, but one that can be easily forgotten.

2 - What happens to my pet when I become incapacitated?

In most quality estate plans, an attorney will create a Financial Power of Attorney, Health Care Power of Attorney, and a Mental Health Care Power of Attorney. But, did you know that you can have a power of attorney created that governs the care for your pet when you are away on vacation or if you became incapacitated? Pet owners might seriously consider utilizing a Special Limited Power of Attorney for the care of their pet in situations like these. Or, another option might be having an attorney draft specific provisions relating to the care of one's pet into a Financial Power of Attorney. All in all, this is planning that can work and must not be forgotten.

3 - Who will care for my pet when I die?

As of January 1, 2009, the Arizona legislature enacted a statutory Trust for the Care of an Animal with the adoption of the Arizona Trust Code. Under the Arizona Trust Code, a trust can be created either through a Will or as a stand alone document which provides for the care of an animal alive during the Trustor's lifetime. The Trust terminates on the death of the animal or on the death of the last surviving animal. Paramount to the creation of a "Pet Trust" in Arizona is the need to give proper consideration as to who you want to appoint as the Trustee (the person who manages the assets set aside for the care of the pet) and designate as a caretaker. Sometimes it is best if these individuals are not the same person. Equally important is the need to provide guidelines and express provisions for the care of your pet.

For more information on this subject, please call our office at (928) 783-4575.

Deason Law Firm
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Member of NAELA:
National Association of
Elder Law Attorneys



Are Veteran's Aid and Attendance Benefits Counted as income?

Most elder law cases include the need to assist a person in obtaining government entitlement benefits at some point. And, the majority of these cases require identifying the potential issues surrounding Medicaid, SSI/SSDI, Railroad Retirement Benefits and Veterans Administration Benefits. Of particular concern to many people though is the desire to receive benefits from multiple programs. In particular, cases arise with frequency where a person seeks to obtain both Medicaid and VA benefits.

Medicaid: Arizona Long Term Care Services

Medicaid is an entitlement program that covers the costs of long term care. Today, the average cost of Long Term Care is approximately \$6,000 a month. Although some of the best planning for long term care is obtaining insurance, not all people will take this action and rely on either paying privately for longer term care or obtaining Medicaid.

Since Medicaid or Arizona Long Term Care Services (ALTCS) is a needs based program, one must not only be a legal resident, US citizen, and be medically eligible, but an applicant's assets and income must fit into the Medicaid guidelines.

VA Aid and Attendance Benefits

Of the many forms of income a person may receive, one possible type of income can come from the US Department of Veterans Affairs called "Aid and Attendance." Basically, this is a pension that is granted to an applicant who can show, among many other factors, that his unreimbursed medical expenses exceed his monthly income.

In Arizona, if a person is receiving Aid and Attendance benefits, and is also in need of obtaining Medicaid, there must be an understanding that some of the eligibility requirements of Medicaid, do not necessarily correspond to the requirements of the Veteran's Administration. But, one clear exception to obtaining ALTCS benefits is that VA Aid and Attendance benefits and Housebound allowances are not counted as monthly income under ALTCS Policy Manual §607.92. To this extent then, it is to a veteran's advantage to receive both Medicaid and the VA pension is possible. Understand nevertheless, that an attorney working with client seeking Veteran's benefits, (1) must be licensed with the US Department of Veteran's Affairs, and (2) cannot charge a client for filing a VA application.

For more information, please call our office at (928) 783-4575 to schedule an appointment.

Attorneys, Lawrence L. Deason and Robert M. Way are members of the American Academy of Estate Planning Attorneys (AAEPA)

The AAEPA is a national organization dedicated to promoting excellence in estate planning and providing its exclusive membership of attorneys with up-to-date research on estate and tax planning, educational materials, and other important resources to empower them to provide superior estate planning services.

The AAEPA expects all members to have at least 36 hours of legal education each year specifically in estate, tax, probate and/or elder law subjects. To ensure this goal is met, the Academy provides over 40 hours of continuing legal education each year.

For over 16 years, the AAEPA has been a highly-regarded and sought-after resource for attorneys and consumers alike, and has been recognized by **Consumer Reports**, **Suze Orman** in her book, **9 Steps to Financial Freedom** and numerous times in **Money Magazine**.

Lawrence L. Deason and Robert M. Way of the Deason Law Firm attended an educational conference in Boston, MA the last week of April hosted by the American Academy of Estate Planning Attorneys.

Deason and Way spent an entire afternoon with Natalie Choate, the foremost expert on estate planning and retirement benefits, covering *Inherited Retirement Plans, Understanding Minimum Distribution Rules and the Best and Worst Planning Techniques for Clients*.

"Taking the time to be out of the office is a large commitment for our firm but one we believe is essential for the success of the firm" says Deason.



Larry Deason

At the Deason Law Firm, we are committed to building lifelong relationships with our clients and their families. We will work with you to customize your unique estate plan to protect, preserve and pass your legacy to your family and loved ones exactly how you desire. To eliminate any apprehension when planning, all our estate plans come with a 100% service satisfaction guarantee. It's very simple - estate planning is what we do... and we look forward to your family joining our family.



Robert Way

This is a complimentary, educational newsletter. If you are NOT interested in receiving this information in the future, please contact Nancy at 783-4575.

**NEW Trust Code ...
How does this affect your Trust?**

Our seminars are said to be "informative and easy to understand"
Thursday, June 10th at 9:30am and 6:30pm
FREE Estate Planning Seminars:



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